IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| In re A | application of: | | | | |
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| | GUNJI et al. | Art Unit: 1652 | | | |
| Appl. | No.: 10/716,480 | Examiner: Hope A. Robinson | | | |
| Filing | Date: November 20, 2003 | Atty. Docket: US-102 | | | |
| Title: | METHOD FOR PRODUCING L-AMINO ACID USING METHYLOTROPH | Confirmation No.: 9006 | | | |
| | INFORMATION DISCLOSUR | RE STATEMENT | | | |
| P.O. Bo | issioner for Patents ox 1450 dria, VA 22313-1450 | | | | |
| disclos informa informa that the Examir | Listed on the accompanying Form PTO-1449 and/or List ents that may be considered material to the examination of ure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. Applicants reserve the right to establish the patentability ation provided herewith, and/or to prove that this information may not be enabling for the teachings purportedly of This statement should not be construed as a representation are does not exist information more material to the examinater is specifically requested not to rely solely on the mater of Examiner will review art of record in all 35 U.S.C. § 120 | of the claimed invention over any of the claimed invention over any of the claimed invention over any of the claimed invention art, and/or to prove that this fered. In that an exhaustive search has been made, or ation of the present patent application. The cial submitted herewith. It is further understood | | | |
| <u> </u> | 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required. | | | | |
| ☐ 2. | The Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance. | | | | |
| | a. Below is a certification under 37 C.F.R. b. Attached is my check no in the a | § 1.97(e). umount of \$ in payment of the fee under | | | |

Please charge my Deposit Account No. <u>50-2821</u> in the amount of \$_____ for the fee

under 37 C.F.R. § 1.17(p)

| ⊠ 3. | This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicant hereby Petitions that the Information Disclosure Statement be considered. Attached is my check please charge the credit card identified in EFS Web processing in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p). | | | | | |
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| ⊠ 4 | Certifi | Certification(s) under 37 C.F.R. § 1.97(e): | | | | |
| | | a. | I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1). | | | |
| | | b. | I hereby certify that no item of information on this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2). | | | |
| ☐ 5. | Relevance of the non-English language document(s) is discussed in the present specification. See pages of the specification of the present application. | | | | | |
| □ 6. | The document(s) was/were cited in a corresponding foreign application; \square a copy of a search report issued in the foreign application is attached, and/or \square an English language version of the foreign search report is attached for the Examiner's information. M.P.E.P. § 609 III (A)(3). | | | | | |
| 7 . | A concise explanation of the relevance or a direct translation of the non-English language document(s) is attached hereto or appears below. | | | | | |
| 8. | One or more of the items of information on this Information Disclosure Statement constitute a related patent application. It has been determined by viewing Private PAIRS that these related patent applications are available to the Examiner through the USPTO's Image File Wrapper System (IFW), and therefore, a copy or copies of the specification, including claims, and drawings have not been provided, in accordance with the "Waiver of the Copy Requirement in 37 C.F.R. §1.98 for Cited pending U.S. Patent Applications" issued September 21, 2004. If the related patent applications are not available via the IFW, a copy or copies are provided herewith. If these applications are published, the citation is to the Publication Number. The identification of this (these) U.S. Patent Application(s) is not to be construed as a waiver of secrecy as to that application(s) now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination. | | | | | |
| <u> </u> | , which | h is relie | documents were cited by or submitted to the Office in Application No, filed dupon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents d. 37 C.F.R. § 1.98(d). | | | |

Att'y Dkt. No. US-102 U.S. App. No. 10/716,480

| <u> </u> | Copies of the documents cited in the International Preliminary Examination Report (PCT/IPEA/416) the Notification of Acceptance (PCT/DO/EO/903 herewith. M.P.E.P. §§ 609.03, 1893.03(g). |) have l | een received by the U.S. P.T.O., as indicated on |
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| ☐ 11. | 1. Copies of the U.S. patent documents cited on the PTO-1449 filed herewith are NOT provided, in accordance with Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003, 1276 Off. Gaz. Pat. Office 55 (August 5, 2003). | | |
| <u> </u> | Other: | | |
| | It is respectfully requested that the Examiner initia | al and i | eturn a copy of the enclosed PTO-1449 and/or |
| List of | Potentially Related Patent Applications, and to ind | licate ir | the official file wrapper of this patent |
| applicat | ation that the documents have been considered. | | |
| | F | Respect | fully submitted, |
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| | E | Зу: | Shelly Guest Cermak Reg. No. 39,571 |
| | | | |

Date: August 20, 2007

U.S. P.T.O. Customer Number 38108

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| INFORMATION DISCLOSURE STATEMENT | | | - \ | | | |
| | | | GUNJI et al. | | | |
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| | 1 266 966 | 12/18/02 | EP | | | □Yes □ No |
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| | | | lysine production in methal. Biotechnol. 2006;127:1 | | ylophilus methylot | rophus by |
| | | | d Production from Metha | | acillus glycogens | Mutants: Isolation of |
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| | L-Glutamic Acid Hyper-producing Mutants from <i>M. glycogens</i> Strains, and Derivation of L-Threonine and L-Lysin producing Mutants from Them," Biosci. Biotech. Biochem. 1993;57(1):82-87. MOTOYAMA, H., et al., "Overproduction of L-Lysine from Methanol by <i>Methylobacillus glycogens</i> Derivatives Carrying a Plasmid with a Mutated <i>dapA</i> Gene," Appl. Environmen. Microbiol. 2001;67(7):3064-3070. Copy of OFFICE ACTION for French Patent App. No. 0313574 (5 June 2007). | | | | | ···· — J · ···· |
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| | Copy of OFFICE ACT | ION for French | Patent App. No. 031357 | 4 (5 June 2007) |) | |

| EXAMINER | DATE CONSIDERED | | |
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| EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant. | | | |